

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

v.

JOHN BRUENS, et al.

Criminal No. 05-10102-JLT

DEFENDANTS' JOINT MOTION FOR BILL OF PARTICULARS

Defendants John Bruens, Mary Stewart, Melissa Vaughn, and Marc Sirockman (collectively "Defendants"), hereby move this Court, pursuant to Fed. R. Crim. P. 7(f), for an Order directing the government to file a bill of particulars with respect to the charges contained in Counts 1 through 8 of the Indictment returned on April 14, 2005.

Specifically, Defendants seek a bill of particulars that identifies:

- (1) Each instance in which an offer or payment was made to a physician or other person or entity by or on behalf of Serono Laboratories, Inc. ("Serono") that the government will allege at trial evidences the conspiracy (Count 1) or the substantive charges (Counts 2-8); and
- (2) For each such instance identified in response to paragraph (1) above,
 - (a) the identity of the alleged conspirator(s) who are alleged to have participated in or to be knowledgeable about that instance;
 - (b) a general description of the nature of the allegedly illegal inducement or offer or payment involved in each such instance or the manner in which the particular instance is alleged to evidence the charged conspiracy or substantive count; and
 - (c) the approximate date of each such instance and the individual or other entity who received the allegedly illegal inducement or offer or payment.

- (3) The manner and means by which any unindicted co-conspirators entered the conspiracy.
- (4) The names of the doctors who attended the Cannes Conference at Serono's expense who the government views as having "circumstancesdistinct from those doctors charged in the Indictment," and a description of the circumstances that distinguishes them from the physicians to whom the Indictment refers.

The grounds for this motion are set forth in the accompanying Memorandum in Support of Defendants' Joint Motion for Bill of Particulars.

Respectfully submitted,

JOHN BRUENS, MARY STEWART,
MELISSA VAUGHN, and MARC SIROCKMAN,
by their undersigned attorneys:

/s/ Tracy A. Miner
Tracy A. Miner
Counsel for Mark Sirockman

/s/ Thomas McC. Souther
Thomas McC. Souther
Counsel for John Bruens

/s/ Mark A. Berman
Mark A. Berman
Counsel for Mary Stewart

/s/ Adam S. Hoffinger
Adam S. Hoffinger
Counsel for Melissa Vaughn

Date: February 10, 2006

LOCAL RULE CERTIFICATION

Pursuant to Local Rule 116.3(E)-(F), counsel for Defendants certify that by letter on January 13, 2006, they attempted in good faith to obtain the information they request in this Motion. On January 30, 2006, via letter, and on February 6, 2006, via conference call, the Government declined to provide Defendants with the information sought by this Motion.

CERTIFICATE OF SERVICE

I hereby certify that this Motion for Bill of Particulars and Memorandum in Support filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 10, 2006.

/s/ McKenzie E. Webster